

**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 3 Work Environment

**Policy: Overtime and Overtime
Compensation**

Effective date

Revised

Number: 3.06

March 29, 2002

December 31, 2008

When operating requirements or other needs cannot be met during regular working hours, employees may work overtime hours. Compensation for those hours will be made according to the provisions in this policy. The Department of Natural Resources will comply with provisions of the federal Fair Labor Standards Act and the Missouri Personnel Law regarding overtime and overtime compensation.

REFERENCES

Fair Labor Standards Act (FLSA)

Hours of Work and Holidays: 1-CSR-20-5.010

Related DNR policies

Hours of Operation and Work Schedules: 3.01

Holidays: 5.06

DEFINITIONS

Category 0: Employees who fill top level supervisory, managerial and administrative positions and persons employed in very responsible professional, technical or consultative capacities who do not normally receive state overtime compensation.

Category 1: Employees who fill other supervisory, professional, technical and related positions compensated for overtime at a straight time rate.

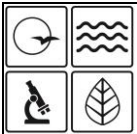
Category 2: Employees who are compensated for overtime at time and one-half rate.

Note: A list of the department's job classifications is available on the internet at <http://www.dnr.mo.gov/hr/openpositions.htm>.

Compensable overtime: Hours worked in excess of the established work week or work period for which compensation has been approved.

Compensatory time off: Time off with pay provided for accrued compensable overtime.

Extraordinary circumstances: Events that require significant extra work hours as the result of a major incident such as an oil spill, hazardous waste mishap or flooding in a

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state park, that require immediate attention to resolve. Extraordinary circumstances may also include a major project with a statutory or department or division set deadline or a period of high overtime associated with the seasonal fluctuation of the job. Examples of this would include development of the department's budget due on October 1; extraordinary effort needed to meet statutory permit timeframes; peak park visitor attendance for a holiday; a construction project that must be completed during specific weather; or a major system implementation or upgrade.

Federal compensable overtime: Compensation for overtime worked that reflects the federal Fair Labor and Standards Act.

Overtime: Hours worked in excess of the scheduled work week or work period.

Overtime compensation: Consideration for hours worked in excess of forty hours in a work week in the form of pay or time off.

Work hours: Physical hours worked. This does not include time taken as leave or holidays.

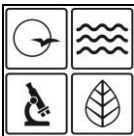
Work period: The number of hours considered being the normal work hours for a prescribed period of time.

Work week: Any fixed and regularly recurring period of seven (7) consecutive days used to define the number of hours considered to be normal work hours. For most department employees the work week is defined as 40 hours of work in a consecutive seven (7) day period.

FLSA work period: A seven day period established in SAM II as an employee's work week. An employee will account for forty hours a week beginning on Sunday, Friday, or Saturday.

GENERAL PROVISIONS

Category 0 and 1 employees are exempt from federal FLSA considerations. Category 2 employees are covered by FLSA considerations. Category 1 employees receive state compensation based on state regulations. Category 0 and 1 employees also earn holiday compensation.



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In the Department of Natural Resources, there are circumstances when Category 0 employees may be allowed to accrue and use compensatory time: 1) under extraordinary circumstances; and 2) for state holidays worked.

Category 1 employees will be compensated for overtime at a straight-time basis for hours worked in excess of the established work week or work period.

Category 2 employees will be compensated for overtime at rate of time and one-half for hours worked in excess of the established work week or work period

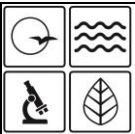
Category 1 and 2 employees will not be permitted to voluntarily perform hours of work when such work involves the same type work the employee is normally expected to perform. For example, a naturalist will not be asked to volunteer to lead a nature walk on a day off.

Overtime for category 1 and 2 employees is to be worked only upon the request and authorization of the immediate supervisor. If an employee has worked overtime the employee is entitled to receive compensation even if authorization has not been given to work overtime. However, continued unauthorized overtime should be handled by management staff as a discipline issue. Division directors may further define or limit the conditions under which employees are authorized to work overtime.

For department employees the FLSA work period coincides with the work week. Hours worked in excess of this amount for most employees in Categories 1 and 2 are considered compensable overtime.

If an employee works over forty hours in a FLSA work period and they have used annual leave or sick leave, the leave usage will be reduced by the number of hours worked over forty. However, if an employee has reached their maximum amount of annual leave accrual (240, 288 or 336 hours) their annual leave will not be reduced.

Overtime compensation may be paid based on the employee's hourly pay rate, taken as compensatory time off or a combination of payment and compensatory time off. The approval of the division director is required for payment of the balance of compensable overtime.

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A supervisor shall approve a request for compensatory time off unless to do so would be unduly disruptive to the department's operation. Employees may be required to take compensatory time off at the convenience of the division.

All supervisors have the responsibility to consistently manage employee work hours to minimize the accrual of compensatory time off. For example, if an employee works twelve hours on the first day and twelve hours on the second day of the work week, the work schedule should be adjusted so that the employee will not exceed 16 hours of work during the remainder of the work week.

Staff traveling as a part of their job, whether driving or as a passenger, are considered on the clock and that time is considered work hours.

Administrative paid leave will not be used in the calculation of overtime. If an employee works more than forty hours in an FLSA work period and they have used administrative leave, the administrative leave will be reduced by the number of hours worked over forty.

When an employee leaves the department, payment for compensable overtime will be made to the employee for any remaining balance.